

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION

4 US BEVERAGE, INC.,  
5 Plaintiff,

6 vs.

7 JOHN BUSTER WALKER,  
8 II, and TRIDENT  
9 MARKETING, INC.,  
10 Defendants.

CIVIL ACTION NO.

2:06-CV-496-SRW

-----  
11 JOHN BUSTER WALKER,  
12 II, and TRIDENT  
13 MARKETING, INC.,  
14 Counterclaim  
15 Plaintiffs,

16 vs.

17 US BEVERAGE, INC.,  
18 Counterclaim  
19 Defendant,

20 and

21 GRADY DOWLING  
22 KITTRELL, THOMAS  
23 GOING CLARK, III, and  
NORMAN "BUDDY" TODD,  
Third Party  
Defendants.

\* \* \* \* \*

**DEPOSITION OF NORMAN TODD,**

taken pursuant to notice and stipulation on  
behalf of the Defendant/Counterclaim  
Plaintiff, in the Law Offices of Copeland,  
Franco, Screws & Gill, 444 South Perry Street,  
Montgomery, Alabama, before Tiffany B.  
Beasley, Certified Court Reporter and Notary  
Public in and for the State of Alabama at  
Large, on September 15, 2006, commencing at  
4:23 p.m.

1 Here's -- we're going to mark this Defendants'  
2 Exhibit 3. And first I ask you to identify  
3 this. Are these notes or typewritten notes  
4 your notes, Mr. Todd?

5 (The referred-to document was  
6 marked for identification as  
7 Defendants' Exhibit No. 3.)

8 A. Yes, sir.

9 Q. And this would have been a note made by you on  
10 June 11th, 2006?

11 A. July 11th.

12 Q. I'm sorry. July 11th. It's been a long day.  
13 Correct. Okay. Why don't you read this for  
14 the record rather than me trying to read it,  
15 just the whole note.

16 A. (As read:) It says, on this date I was  
17 contacted by Kenny Coker, Child Nutrition  
18 Director, at Itawamba County, Mississippi, in  
19 reference to a conversation he had with Amy  
20 Murphy, Child Nutrition Director of Oxford  
21 Separate School District. He stated to me  
22 that Amy Murphy told him she had elected to  
23 change to Juice Alive for the upcoming school

1 year, 2006/2007. She stated to him that he  
2 had been told by -- she had been told by  
3 Scotty West, representative of Juice Alive,  
4 that US Beverage was in financial trouble and  
5 would not survive as a company much longer.

6 Q. Okay. And who was Kenny Coker again?

7 A. Child nutrition director for Itawamba County.

8 Q. Is he a customer?

9 A. Yes.

10 Q. Is he currently a customer, his school  
11 district?

12 A. Yes, sir, he is.

13 Q. Do you know if Mr. Coker told you he was  
14 present during any of these conversations  
15 between Scotty West and Amy Murphy?

16 A. No, sir.

17 Q. If Amy Murphy denies that this conversation  
18 occurred, do you have any reason to think Amy  
19 Murphy would be lying?

20 A. I don't know that she would deny it, because I  
21 don't know why he would have a reason to lie  
22 to me in reference to it either. So, no, sir,  
23 I don't, no. I don't think she would have any